

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, : Hon. Dickinson R. Debevoise
Plaintiff, : Civil Action No. 09-1791 (DRD)
v. :
**NOTICE OF
MOTION TO DISMISS**
GEORGE J. ALBINSON, :
FREDERICK N. ("FRED") BERGER, :
ANTHONY J. OLIVA, and L.E.A.D. :
INDUSTRIES, INC., :
Defendants.

PLEASE TAKE NOTICE that upon the annexed declaration of George Albinson, sworn to August 27, 2009, with exhibits thereto, the accompanying Memorandum of Law, and upon all of the pleadings and prior proceedings herein, the undersigned will move this Court at Room MLK 5B of the courthouse located at 50 Walnut Street, Room 4015, Newark, NJ, on October 5, 2009 at 9:30 a.m. for an Order, pursuant to Fed. R. Civ. P. §§ 9(b) and 12(b), dismissing plaintiff's complaint in its entirety. Movant hereby requests oral argument.

PLEASE TAKE FURTHER NOTICE that opposition to this motion shall be filed on or before September 21, 2009 and a reply shall be filed on or before September 28, 2009.

DATED: New York, New York
August 27, 2009

**LAUFER, DALENA, CADICINA, JENSEN
& BOYD, LLC**
Local Counsel for Defendant George Albinson

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